

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHNNY DOWLING,  
vs.  
STATE OF NEVADA, et al.,  
Plaintiff,  
Defendants.

Case No. 2:08-cv-00102-JCM-PAL

**REPORT OF FINDINGS AND  
RECOMMENDATION**

This matter is before the court because Plaintiff has not kept the court apprised of his current address. Plaintiff Johnny Dowling is proceeding in this action *pro se*. On April 17, 2008, the court entered an Order (Dkt. #5) allowing Plaintiff to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff filed an Amended Complaint (Dkt. #2) on January 23, 2008. This matter was referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) as well as Local Rule IB 1-3 and 1-4. The court screened Plaintiff's Amended Complaint (Dkt. #2), and in an Order (Dkt. #11) entered August 14, 2009, directed the Amended Complaint be dismissed with leave to amend for failure to state a claim upon which relief could be granted. The court allowed Plaintiff thirty days in which to file a Second Amended Complaint. Plaintiff has not complied with the Order (Dkt. #11).

However, it appears that Plaintiff is no longer incarcerated at Southern Desert Correctional Center and has been discharged. *See* Dkt. #12. The Clerk of Court served the court's Screening Order (Dkt. #11) on Plaintiff at the address he provided. That Order (Dkt. #11) was returned to the court as undeliverable, and a notation was made on the envelope stating "RTS discharged 8-17-09." *See* Dkt. #12. Plaintiff has not provided the court with a current address. The Local Rules of Practice provide that, "The plaintiff shall immediately file with the court written notification of any change of

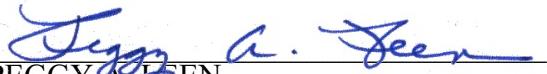
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1 address. . . .Failure to comply with this rule may result in dismissal of the action with prejudice." LSR  
2 2-2. Plaintiff has not complied with this provision of the Local Rules.

3 Accordingly,

4 **IT IS RECOMMENDED** that Plaintiff's Complaint be dismissed for failure to comply with  
5 the court's Order (Dkt. #11) that he file an Amended Complaint and for failure to keep the court  
6 apprised of his current address in violation of the Local Rules of Practice.

7 Dated this 25th day of June, 2010.

8   
9 PEGGY A. TEEN  
UNITED STATES MAGISTRATE JUDGE

10 **NOTICE**

11 These findings and recommendations are submitted to the United States District Judge assigned  
12 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served  
13 with these findings and recommendations, any party may file written objections with the court.  
14 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and  
15 recommendations of a magistrate judge shall file and serve *specific written objections* together with  
16 points and authorities in support of those objections, within ten (10) days of the date of service of the  
17 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's  
18 Findings and Recommendations." The parties are advised that failure to file objections within the  
19 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153  
20 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject  
21 to the page limitations found in LR 7-4.